

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

EDWARD TYRONE RIDLEY,	:	
	:	
Petitioner,	:	
	:	
v.	:	CASE NO.: 1:14-CV-34 (WLS)
	:	
Warden STANLEY WILLIAMS,	:	
	:	
Respondent.	:	
_____	:	

ORDER

Before the Court is a Recommendation from United States Magistrate Judge Thomas Q. Langstaff in this habeas corpus case brought pursuant to 28 U.S.C. § 2254. (Doc. 115.) The Recommendation was filed on August 13, 2014. (*Id.*) Therein, Judge Langstaff recommends that the Court dismiss as unexhausted Petitioner Edward Tyrone Ridley's federal habeas corpus petition without prejudice to his right to refile once he has exhausted the remedies available to him in the state court system. (*Id.* at 3.) Ridley was provided with fourteen days to file an objection. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72. He filed an objection on August 25, 2014. (Doc. 119.) That objection was timely. However, Ridley did not provide any basis to object to Judge Langstaff's finding that state remedies remain unexhausted. Also, to date, Ridley has not provided any evidence that he exhausted state remedies and has not made any assertion in that regard. Instead, Ridley maintains that the Court should transfer this matter to the state system to remedy the failure to exhaust. (*Id.* at 1.) However, Ridley failed to provide any authority to demonstrate that such is appropriate. Therefore, the

Court finds that Ridley's objection to Judge Langstaff's Recommendation is nonresponsive. As such, the objection (Doc. 119) is **OVERRULED**.

Upon full review and consideration of the record, the Court finds that Judge Langstaff's Recommendation (Doc. 115) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein, together with the reasons stated and conclusions reached herein. Accordingly, Respondent Warden Stanley Williams' Motion to Dismiss Petition for Lack of Exhaustion (Doc. 72) is **GRANTED** and Ridley's Petition for Habeas Corpus (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**. The remaining motions in this matter (Doc. 116 & 117), both filed after Judge Langstaff's Recommendation, are **DENIED AS MOOT**.

Under Rule 11(a) of the Rules Governing Section 2254 and 2255 Cases, "[t]he district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant." And "[w]hen the district court denies a habeas petition on procedural grounds without reaching the prisoner's underlying constitutional claim, a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Court finds that no reasonable jurist would find it

debatable that the Court's ruling and findings above are correct. The Court therefore **DE-**
NIES Ridley a certificate of appealability.

SO ORDERED, this 25th day of September 2014.

/s/ W. Louis Sands

W. LOUIS SANDS, JUDGE
UNITED STATES DISTRICT COURT